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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.592 OF 2007
IN
CRIMINAL APPEAL NO.482 OF 2007

Ravi Bhauraya Kolule & Anr. ... Appellants

V/s.

The State of Maharashtra ... Respondent

Mr.G.R. Agrawal for Appellant
Mr.A.S. Shitole, APP, for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **JUNE 12, 2007**

P.C.:

. Heard the learned Advocate for the accused and the learned Assistant Public Prosecutor. This is an application for bail of accused Nos.1 and 7. Accused No.1 came to be convicted under section 302 with the help of Section 34 of the Indian Penal Code. According to the prosecution, accused No.1 has lifted the stone to hit the deceased but actually the said stone was snatched by accused No.7 who used that stone for hitting the deceased.

2. The learned APP does not dispute this position. However, he tried to contend that the accused was not granted bail during the trial. That may be a different aspect. So far as the conviction is concerned, the role of the accused matters and, therefore, we are inclined

to grant bail to accused No.1. So far accused No.7 is concerned, his advocate made a statement that he may be permitted to file a separate application independently. Hence, the following order:

(i) Accused No.1 be released on bail on his furnishing a P.R. bond of Rs.10,000/- (Rupees Ten thousand only) with one solvent surety in the like amount.

(ii) The accused No.1 shall attend the concerned Bhandup police station once in a month till the appeal is disposed of. His substantive sentence is suspended pending the Appeal. Fine, if any, to be paid before her release on bail.

(iii) Accused No.7 is granted liberty to file a separate bail application.

3. Criminal Application is disposed of accordingly.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)